

**MINUTES OF THE 18 MAY 2005  
TRINIDAD PLANNING COMMISSION MEETING**

I. ROLL CALL

Chairman Kenny called the meeting to order at 7:30 p.m. Other commissioners in attendance were Lake, Bucquet, Kenny, Odom and Fulkerson. Council Liaison Heyenga was in attendance. Staff in attendance were Parker and Leachman.

II. APPROVAL OF MINUTES – April 20, 2005

There were no comments on the minutes. Fulkerson moved to approve the minutes as submitted. Lake seconded. All were in favor. The motion passed 5-0.

III. APPROVAL OF AGENDA

There were no modifications to the agenda.

IV. ITEMS FROM THE FLOOR

There were no items from the floor.

V. AGENDA ITEMS

PLANNING COMMISSION DISCUSSION / ACTION / PUBLIC HEARING ITEMS

1. Spinas 2005/05: Design Review and Coastal Development Permit to construct a 9' x 22' sunroom and expand the existing deck and concrete patio. 851 Edwards Street; APN: 042-081-30

Parker summarized the staff report, including the project's zoning and General Plan conformance, the required findings and proposed conditions of approval. There were no questions of staff from the Commission or public comment. Fulkerson did not oppose the project but noted some disadvantages of the design. Mr. Spinas responded to her concerns. Bucquet made the following motion: *Based on the information submitted in the application included in the staff report and public testimony, I move to adopt the information and findings in this staff report and recommend approval of the project as conditioned in the staff report.* Odom seconded. All were in favor. The motion passed 5-0.

2. City of Trinidad 2005/06: Design Review and Coastal Development Permit to relocate an existing bench from the ocean side of the Old Wagon Road Trail to the junction of the Old Wagon Road Trail and Parker Creek Trail; APN: 042-102-39

Parker summarized the staff report, including the project's zoning and General Plan conformance, the required findings and proposed conditions of approval. The Commission questioned why this project had to come before them, noting that it was an added expense for the City. Parker

explained that the bench falls under the City's definition of development, and because it is located within the Special Environment Zone, no coastal development permit exemptions apply, as they would in other areas of the City; any development within that zone requires permits.

The public expressed some opposition to the bench relocation, stating that it is in a better location as is. Members of the Commission also voiced concern about the relocation. Parker stated that the reason for the required relocation was that the City had entered into a settlement agreement with the Tsurai Ancestral Society. Parker read a letter, dated May 16, 2005, from the Society to the Commission that addressed some items in the staff report. The letter noted that the item was a stipulation of the settlement agreement. It also refuted the statement in the staff report that the project was outside the boundaries of the Tsurai Study Area. The letter also requested that a cultural monitor be present during the City Engineer's review of the new bench site.

This precipitated a discussion of the Tsurai Study Area boundary, which Heyenga noted was the subject of his Liaison Report. Kenny asked Council Liaison Heyenga if he would give his report after the vote since it was related to these issues. Lake made the following motion: *Based on application material, information and findings included in this Staff Report, and based on public testimony, I move to adopt the information and required findings and approve the project as submitted and as conditioned in the staff report with the added condition that the City Engineer arrange to have a cultural monitor onsite during his inspection.* Fulkerson seconded. All were in favor. Motion passed 5-0.

Heyenga proceeded with his report. His aim was to clarify General Plan Policy 69 and the legal requirements of the City. He stated that the Commission and Council were legally bound by the Tsurai Study Area boundary contained on the official General Plan Land Use Map (Plate 1B) and the related policies under General Plan Policy 69. On the Map, the Tsurai Study Area is divided into two different zoning designations – Open Space and Special Environment – and each one has different requirements under Policy 69.

Heyenga noted that the Land Use Map (Plate 1B) is the only one that has been certified by the CA Coastal Commission, and it shows the boundaries of the Tsurai Study Area to be smaller than the entire property boundaries, and show the bench to be outside of the officially mapped Tsurai Study Area. Parker concurred. Members of the Tsurai Ancestral Society argued that the whole 12.5 acres owned by the City, as surveyed by the Coastal Conservancy, who holds an easement over the entire property, was the actual boundary of the TSA, and the City's maps were out of date. Heyenga rebutted that the Plan's date notwithstanding, City

Officials and policy-makers were legally bound to it. However, he noted, things could change in the future. The Planning Commission, the public and the Tsurai Ancestral Society all expressed an interest in updating the City's General Plan.

3. Vacation Rentals: Draft language / possible Zoning Ordinance amendment to regulate vacation rentals within the City.

The Trinidad Planning Commission discussed the issue of vacation rentals at their last two regular meetings as requested by the City Council. At the April 20, 2005 meeting, several community members attended to voice both support for, and opposition to additional ordinance provisions to regulate vacation rentals. At the May 18, 2005 meeting, the Planning Commission reviewed some standards for vacation rentals adopted by San Luis Obispo County. They also reviewed information regarding how many rentals are in town, how many have business licenses and pay transient occupancy taxes, and how much revenue the City receives from these businesses. No community members, other than representatives of the Tsurai Ancestral Society came to speak about the item. One of the main issues discussed was the impact of vacation rentals on septic systems. The Planning Commission felt that, because of the amount of time most vacation rentals are vacant, they do not necessarily add undue stress to septic systems. Staff talked to the County Health Department about this, and they concurred.

The Commission expressed a desire to monitor vacation rentals, provide owners information and to adopt some kind of standards for them, possibly tying that to the business licenses. There was a suggestion to require a conditional use permit for vacation rentals. Overall, the Planning Commission did not feel that vacation rentals were significantly impacting the community as a whole, and that longer term residential rentals have as much, or more, potential for negative impacts. The Commission felt that the concerns were spawned by a few individuals over one or two rentals, and that it did not warrant City-wide action. However, they did feel it was important for the City to ensure that all vacation rentals have business licenses, both to keep track of them, and for the revenue to the City.

After discussion, the Planning Commission made the following recommendations regarding vacation rentals to the City Council:

**Motion 1:** *The Planning Commission finds that there is not sufficient reason to pass a new ordinance to regulate vacation rentals.* Motion passed unanimously.

**Motion 2:** *The Planning Commission requests that the City Council ensure that all owners of vacation rentals and residential rentals have*

*business licenses and that all vacation rentals are paying the proper transient occupancy taxes. Motion passed unanimously.*

VI. STAFF REPORT.

Parker distributed a sign up sheet for the OWTS 'Early-bird Special' and a League of California Cities' local government database.

VI. COUNCIL LIAISON

See the discussion under item 2 for Heyenga's report. Heyenga also brought up the issue of the timing of posting Planning Commission agendas and distributing staff reports in terms of receiving public comment in a timely manner. It was noted that it is not ideal for Commissioners to receive comment letters the night of the hearing. It was suggested to try to post the agenda by Wednesday and distribute packets by Friday in order to give people more time to submit comments. It was also noted that soon, the City should be able to scan letters and email written comments to Commissioners.

VIII. ADJOURNMENT

The meeting was adjourned at 9:00

Respectfully submitted by: W. Todd Leachman,  
Secretary to the Planning Commission  
City of Trinidad

